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DATE FILED: March 18, 2022

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**Chubb Seguros Ecuador S.A. *as subrogor of*
Earthfructifera CIA. LTDA**

Plaintiff,

-against-

Lan Cargo S.A. et al.,

Defendants.

1:20-CV-4642 (ALC)

ORDER

ANDREW L. CARTER, JR., United States District Judge

On June 17, 2020, Plaintiff filed the complaint initiating this action. ECF No. 1. An electronic summons issued as to Defendant Lan Cargo S.A. ("Defendant") on June 18, 2020. ECF No. 7. On October 14, 2020, Plaintiff submitted an affidavit of service indicating that Defendant was served the summons and complaint on October 8, 2020, with an answer deadline of October 29, 2020. ECF No. 8. Defendant did not answer or otherwise respond to the complaint. Approximately two months after the expiration of the answer deadline, on December 23, 2020, a Clerk's Certificate of Default issued. ECF No. 12. On May 20, 2021, Plaintiff filed a Motion for Default Judgment against Defendant. ECF No. 15. The Motion was served on Defendant the same day. ECF No. 16. By order of this Court, Defendant was required to respond to the Motion by July 23, 2021. ECF No. 20. To date, Defendant have not responded to the Motion.

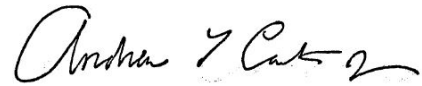
Upon the Motion for Default Judgment as to Defendant, the Declaration of Juan Diego Suarez, dated May 19, 2021, and the accompanying exhibit; and the Declaration of Lawrence C. Glynn, dated May 20, 2021; Plaintiff's motion is **GRANTED** as to liability. The Court will refer this case for inquest to Magistrate Judge James L. Cott by the contemporaneously filed Order of Reference. "[A] default judgment may not exceed the amount of damages demanded by the

complaint.” *D’Orange v. Feely*, 101 F.3d 1393 (2d Cir. 1996). Plaintiff is directed to serve this Order on Defendant and file proof of service by **March 22, 2022**. The Clerk of Court shall terminate the motion at ECF No. 15.

SO ORDERED.

Dated: March 18, 2022

New York, New York

A handwritten signature in black ink, reading "Andrew L. Carter, Jr.", is positioned above a horizontal line.

The Hon. Andrew L. Carter, Jr.
United States District Judge